IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11932 of 2002

Between:

Molakalapalli Pullaiah S/o. Rama Swamy (Late)
Ganneru Koya padu Gowri Devi peta Post
Bhadrachalam Mandal Khammam District

..... PETITIONER

AND

1 The Mandal Revenue Officer
Bhadrachalam Khammam District
2 The Commissioner Survey, Land Settlement and Land Records
Hyderabad

3 M.annaiah, S/o. Sanmaiah, aged 50 years, R/o.Krishnavaram

Viillage, Bhadrachalam Mandal, Khammam District.

(R3 is impleaded as per Court order dated 07.06.2005 in

W.P.M.P.NO.13118 of 2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent the Mandal Revenue Officer, Bhadrachalam in taking steps to dispossess the petitioner herein from the lands in St. No. 282 an extent of Ac.2045 Cents and in Sy.No. 28/3, Ac.3.55 cents in Krishnavaram village, Bhadrachalam Mandal, Khammam District while the matter is pending before the 2nd respondent herein the commissioner of Survey, Land Settlement and Land Records, Hyderabad for grant of Ryothwari Patta under Act. 2/70 without a notice is illegal and void and consequently to direct the 1st

respondent not to interfere with the possession of the petitioners land during the pendency of the matter before this Hon'ble Court.

Counsel for the Petitioner:MR.NAGESH BHEEMAPAKA

Counsel for the Respondents:GP FOR REVENUE

Counsel for Respondent No.3 Smt Thamsha Rani

The Court made the following :

ORDER:

When the W.V.M.P came up for consideration, both the parties have consented for disposal of the writ petition and accordingly the writ petition is taken up for hearing and is being disposed of by this order.

The petitioner claims that his father Ramaswamy filed an application before the Settlement Officer, Bhadrachalam for grant of patta to an extent of Ac.3.55 cents in Survey No.28/3 of Krishnavaram Village, Bhadrachalam Mandal, Khammam District. The application filed by his father ended in dismissal on 06.04.1978. His father died on 25.03.1979. On coming to know the order of dismissal, he filed an appeal before the Director of Settlement, Hyderabad in the year 1998. He took the plea that the order passed by the Settlement Officer, Bhadrachalam was not served on his father. The appeal filed by the writ petitioner before the Director of Settlement, Hyderabad ended in dismissal. Thereafter, he filed review petition under Order 47 Rule 1 C.P.C. and the said review application is said to be pending before the Commissioner of Survey, Land Settlement and Land Records, Hyderabad. Apprehending dispossession, pending the review, the petitioner has filed this writ petition.

One Mr.M.Kannaiah filed W.P.M.P seeking his impleadment as party respondent in the writ petition. The said W.P.M.P. came to be allowed permitting him to come on record as respondent No.3.

It is no more in dispute that the review filed by the writ petitioner before the Commissioner of Survey, Land Settlement and Land Records, Hyderabad-the 2nd respondent, is pending consideration. This fact has been stated in para 3 of the affidavit filed in support of the writ petition and it is thus:

"filed a Review petition before the 2nd respondent herein by getting all the aforesaid facts to his knowledge by way of filing the Revision petition by the 2nd respondent in his order dated 05.08.1998 against the same my counsel filed a Review petition in the year 1998 the same was entertained by the 2nd respondent herein till today, the 2nd respondent without passing any orders on the Review petition till today, this fact was brought to the 1st respondent herein and all these years the Revenue authorities collecting the land Revenue from me every year. The 1st respondent having known the very fact of the matter is pending before the 2nd respondent herein due to the local leaders the 1st respondent herein is taking steps against me to dispossess form the land in question, since I am a Schedule Caste person, I have no other help from any influence persons from the locality to protect my right under law in the hands of the 1st respondent. Hence, I am filing the writ petition, I have no alternative remedy except to approach this Hon'ble Court under Art.226 of the Constitution of India."

Since the Review Application of the writ petitioner is still pending, it would suffice if a direction is given to the Commissioner of Survey, Land Settlement and Land Records, Hyderabad-2nd respondent, to dispose of the review application within four weeks from the date of receipt of this order. Pending review, status quo existing as on this day as to the possession of the land in question shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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16.06.2005

Jsu
To

1 The Mandal Revenue Officer
Bhadrachalam Khammam District
2 The Commissioner Survey, Land Settlement and Land Records
Hyderabad

3 2 CCs to the G.P for Revenue, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies